

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
FOR THE WESTERN DIVISION

DARLINGTON AMADASU,	:	Case No. No. C-1-01-210
	:	Judge Dlott
Plaintiff,	:	Magistrate Judge Black
v.	:	
JAMES R. DONOVAN, M.D., <u>et al.</u> ,	:	
Defendants.	:	

DECLARATION OF JAMES R. DONOVAN, M.D.

James R. Donovan, M.D. declares as follows:

1. I am an Assistant Professor at the University of Cincinnati (“UC”) and was the Medical Director of the Residency Program in Occupational and Environmental Medicine and an Assistant Professor throughout the period that Darlington Amadasu participated in UC’s Occupational Medicine Residency Program (“OMRP”). I am competent to testify as to the points in this Declaration and do so from my own personal knowledge.

2. The OMRP accepts residents from various racial, cultural, economic and social backgrounds each year. Residents, when accepted, are placed on one of four different academic tracks; three require at least a two year commitment to the program. The fourth track, known as the “Accelerated Track,” can be completed in less than two years. Individuals already possessing a Masters of Public Health (“MPH”) or equivalent degree are placed on the Accelerated Track. Accelerated Track residents do not “graduate” from UC; rather, they receive a certificate of completion from the program.

3. In January 1999, the Residency Selection Committee accepted Amadasu into the OMRP program and offered him a residency position beginning July 1999. I was in favor of Amadasu joining the program at that time. Amadasu was not employed and did not have a contract with UC. Our records showed that Amadasu was expected to receive his MPH from the University of Utah that spring, before he would be starting at UC, so he was placed on the Accelerated Track. As an Accelerated Track student, Amadasu was expected to complete the program in less than two years. He actually completed the program in June 2000.

4. The OMRP selected a Chief Resident in the fall of 1999. Residents on the Accelerated Track are ineligible for the Chief Resident position due to their short-term participation in the program. Amadasu expressed an interest in the position; however, because he was on the Accelerated Track, he was ineligible. The individual selected for the Chief Resident position that year was not on the Accelerated Track.

5. Shortly after Amadasu began the OMRP, I began to receive numerous complaints alleging improper sexual behavior by Amadasu. Around October 1999 I received a complaint from two female UC employees who said that Amadasu sexually harassed them. Around December 1999 another UC employee complained that she believed Amadasu was sending her sexually harassing e-mails. Some other OMRP faculty members and I also learned that Amadasu had been dismissed from one of his required off-site clinical rotations after he was found to have committed improper sexual behavior. Around February 2000 I received a complaint from a female patient who said that Amadasu made her feel uncomfortable when he examined her, contacted her at home without her permission, and attempted to date her. A copy of the patient's complaint, recorded by Muriel Pohl, who worked as a nurse at University Hospital, that I received is attached as Exhibit A . I discussed these allegations of sexual

harassment with Amadasu. In April 2000 due to the numerous complaints of sexual harassment made against Amadasu, I required him to be chaperoned while examining female patients.

6. Amadasu went to Laredo, Texas on approximately April 1, 2000 to attend a clinical rotation at the University of Texas ("UT") expected to end around April 30 of that year. UC paid Amadasu's travel expenses. Amadasu registered for courses and clinical rotations at UC at the time he attended UT's clinical rotation, including Deborah Ann Middaugh's ("Middaugh") Basics of Occupational Medicine II course. Around April 19, 2000, Amadasu informed me that he was dismissed from UT's clinical rotation. No UC OMRP resident had ever been terminated from a clinical rotation before.

7. UC allowed Amadasu to continue in the OMRP program despite the numerous sexual harassment allegations and his dismissal from two clinical rotations. Following receipt of Amadasu's dismissal from the clinical rotation in Texas, I placed Amadasu on probation. Amadasu's stipend was not reduced, he was never suspended, and he was allowed to continue in the program.

8. OMRP faculty members are not required to submit course evaluations or clinical practicum evaluations to the department - - that is the resident's responsibility; however, Amadasu received course grades, his semi-annual program evaluation, his terminating resident evaluation, and several practicum evaluations. Because Amadasu was in Laredo, TX at the time he was supposed to be attending Middaugh's BOM II course, I permitted him to withdraw and receive a grade of "W" as opposed to a grade of "F." OMRP faculty can award a grade of "F" for classes taken under the audit option.

9. Judy Jarrell, Andrew Filak, Charles Buncher, Dora Jefferson-Gaynor and Muriel Pohl were not Amadasu's professors and were not required to give Amadasu a course grade or clinical evaluation. Connie Brockman was a receptionist in the Department of Environmental Health and had no power over Amadasu.

10. On April 11, 2001 Amadasu signed a residency termination clearance form, which every resident must sign before the department can order a certificate of completion. Just five days later, I signed Amadasu's certificate of completion order form. The residency termination clearance form that Amadasu signed is attached as Exhibit B. The certificate of completion order form that I signed is attached as Exhibit C.

11. Amadasu received a graduate student scholarship that required him to become an Ohio resident. According to UC's records, Amadasu failed to become an Ohio resident; thus, UC charged him a non-resident fee. UC held Amadasu's transcript because he owed money to UC. UC's policy is to hold the transcripts of students who have unpaid fees on their accounts. Attached as Exhibit D is a student account statement that illustrates that Amadasu was charged a non-resident surcharge.

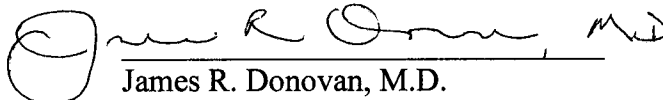
12. OMRP residents do not receive time off for vacation.

13. I have never provided or promised to provide housing to Amadasu nor have I ever entered his residence.

14. I did not hire or have the power to discharge: Jarrell, Filak, Herrmann, Buncher, Lockey, Gaynor, Middaugh, or Freeman, nor did I supervise any of these individuals.

15. I did not provide any OMRP resident with a computer password to access materials.

I declare under penalty of perjury that the foregoing is true and correct. Executed on
March ^{29th}____, 2005.


James R. Donovan, M.D.

2/21/00 PC from pt. stating she had an exam here on 2/16/00 and she felt uncomfortable about it but did not say anything at the time. She said Quiza was mentioned and he wanted to tell her about Quiza. She said to him "That's OK. I want to visit there some day" but he kept persuing. She said he told her to bend down & touch her toes and he was standing behind her. She said he was too close. She said he gave her his phone number which she threw in the garbage but she said he didn't see her. She said he asked if her phone # was correct in the chart. She said "yes". Then he asked "Are you single?" She states on 2/17/00 he called her at her house and left a message. She states she ignored it. On Fri Evening 2/18/00 @ 9^{PM} She states he called again. She answered the phone but stated she wasn't there and he asked who he was speaking to. She said "Bridgette" (who is her sister). These phone calls have caused an ^{initial} concern and the patient wanted us to be aware of them. Dr. Donovan Notified.
M. Allen

This form must be completed prior to termination as a member of the house staff at The University Hospital and submitted to your department. You must obtain the necessary "sign-off" by authorized personnel from the locations listed below to indicate you have received clearance from that department.

PLEASE SEE REVERSE SIDE FOR LOCATIONS

	APPLICABLE	NOT APPLICABLE	AUTHORIZED SIGNATURE
1 LINEN MANAGEMENT Scrub Card/Sticker	_____	_____	_____
2 CENTRAL PHARMACY Prescription Pads Returned	_____	_____	_____
3 DEPARTMENTAL PROPERTY Copier Key/Code Personal Locker	_____	_____	<u>Stacey Wilkinson</u> 4/11/01
4 MEDICAL RECORDS	_____	_____	_____
5 PARKING SERVICES Parking Decal Garage Card	_____	✓ _____	<u>Jane Evans</u> 558-2929 4/11/2001
6 PAGING SERVICES Pager returned *Please inform the operator that you are terminating from Univ Hospital	_____	_____	_____
7 PUBLIC SAFETY UC and MSB Building/Door Keys	_____	_____	<u>[Signature]</u> 4/11/2001
8 UH ID BADGE OFFICE UH Identification Badge UH Keys	_____	_____	_____

I have completed my medical records obligation at all other institutions that I rotated through. This includes VAMC, CHMC, Shriners Burns Institute, and the community hospitals. I have also taken care of any responsibilities with the UC Health Sciences Library on returning books and materials, etc...

[Signature] 4/11/001
RESIDENT'S or CLINICAL FELLOW'S SIGNATURE DATE

EXHIBIT B

CERTIFICATE ORDER FORM

DEPARTMENT: OCCUPATIONAL MEDICINE

SIGNATURE LINE #1: PROFESSOR AND CHAIRMAN, DEPARTMENT OF ENVIRONMENTAL HEALTH

SIGNATURE LINE #2: DIRECTOR OF RESIDENCY TRAINING

SIGNATURE LINE #3:

NAME

FIRST, MIDDLE NAME OR INITIAL,
LAST (LEGAL NAME ONLY)

DEGREE(S)

(Complete this line only if
the degree should appear
on the certificate)

TRAINING PROGRAM

DATES

(MONTH/DAY/YEAR)

Darlington

O.

Amadasu

6/15/99 - 6/30/00

CERTIFICATE

① 2 3 4 5 6 7 8

(CIRCLE THE

SELECTION NEEDED)

SEE REVERSE SIDE FOR

SELECTION(S)

This House Officer was a:

☒ Resident☐ Clinical Fellow☐ Special Fellow

This training program is ACGME accredited or leads to board certification:

☒ Yes☐ No

DATE

SIGNATURE OF HOUSE OFFICER - I verify that the above information is correct.



E. J. Darlington, MD 4/16/01

DATE

SIGNATURE OF DEPARTMENT/DIVISION

March 20, 1998

EXHIBIT C

University of Cincinnati STUDENT ACCOUNT STATEMENT

02/04/2005

Student Name: Darlington Amadasu
 Student ID : 000-94-9506

Amount Due: \$ 3,993.00
 Date Due: ON RECEIPT

Date Printed.....: 02/04/2005
 Term.....: Winter Quarter
 Tuition Residency: Non-Resident
 Health Insurance.: Not Waived
 Registration.....: Not Confirmed

Darlington Amadasu
 PO Box 31484
 Cincinnati, OH 45231-0484

DATE	DESCRIPTION	CHARGES	CREDITS
	Previous Balance	160.00	
01/16/2001	General Fees	220.00	
99-4	GEN FEE LATE REG.		
01/16/2001	Instructional Fee	1,798.00	
99-4	LATE REG. FT, NON-RES., GRAD., COLL OF MED.		
01/16/2001	Instructional Fee (Non-Resident Surcharge)	1,815.00	
99-4	NON-RES. SURCHARGE LATE REG.		
	Balance Due:	3,993.00	

Summary of Outstanding Service Blocks:

Block Description	Reason and Contact Information
Transcript & Grades	Outstanding Balance Due (513)556-1000

Payment is due upon registration. Payment may be made on line with e-check at no additional charge. To make payment by mail, click on the PRINT BILL button. Print the bill and mail payment with the remittance advice. A \$150 late fee will be assessed on any unpaid balance.

For billing questions, contact One Stop Student Services at onestop@uc.edu or by phone 513-556-1000.

University of Cincinnati

REMITTANCE ADVICE

(Cashier use Only)

(Please enclose with Payment)

Student Name: Darlington Amadasu Amount Due: \$ 3,993.00 Term: 01W
 Student ID : 000-94-9506 Date Due: ON RECEIPT
 Total Payment Enclosed: _____
 _____ Check here for CONFIRMATION only
 CASH (DO NOT mail cash) _____
 CHECK (PAYABLE TO University of Cincinnati) _____
 (Include Student Name & ID Number on Check)
 CREDIT CARD: VISA MASTER CARD DISCOVER _____
 CREDIT CARD NUMBER: _____ EXP DATE: _____
 CARDHOLDER'S NAME : _____
 CARDHOLDER'S SIGNATURE: _____

I hereby agree to pay the sum set forth above to the bank which issued my card in accordance with the terms of the card for the purchase of goods and service. I also understand that all refunds will be made by check to the student.

00009495060 003993003

EXHIBIT D

STUDENT SCHEDULE
 Student Name: Darlington Amadasu
 ID: 000-94-9506
 College: College of Medicine
 Class:
 Major: 26MS OCCM
 02/04/2005
 Winter Quarter 2000-01

0 Classes for 0.00 Credit Hours

Registration Offices Open: 12/04/2000
 Begin Classes and Late Fees: 01/03/2001

Course ID	Sect	Course Title	Cr	Cr	Gr	Type
Call Number	Inst Sess Days	Time	Bldg	Room	Hrs	Lvl Campus

CASHIER'S OFFICE
 UNIVERSITY OF CINCINNATI
 DEPARTMENT 00303
 CINCINNATI, OH 45274-0303